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MAY 12 2004

In re Application of
Sumi et al.
Application No. 10/620,361
Filed: July 17, 2003
Attorney Docket No. Q76615

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This is in reply to the communication filed January 22, 2004, requesting a correction of the decision mailed January 7, 2004.

The request is dismissed.

Petitioners contend that the decision of January 7, 2004, erred where it indicated that the USPTO would rely on the copy of the drawing filed September 3, 2003, to complete the application. Rather, petitioner asserts, the decision should have indicated that the USPTO was relying on the copy of the drawing filed with the petition on September 15, 2003.

Nevertheless there is a drawing figure that was filed September 3, 2003, along with both an assertion by applicants that such drawing was in compliance with 37 CFR 1.84 and a request that the examiner acknowledge receipt of that drawing. A comparison of the drawing filed September 3, 2003, with the drawing filed with the petition on September 15, 2003, does not appear to reveal any difference in content, but does reveal that the earlier drawing is of better execution and quality. As such, there is no apparent reason why the USPTO cannot choose to rely upon the September 3, 2003 drawing, since neither the copy of the September 3, 2003, drawing nor the copy of the September 15, 2003, drawing was actually present on filing. However, if applicant is aware of any reason(s) why the USPTO should not rely on the contents of the drawing filed September 3, 2003, but should instead rely upon the drawing filed with the petition on September 15, 2003, he should promptly make his reason(s) of record and request reconsideration.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-1820.

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy